UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1998/L.11/Add.8
24 April 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 26

# REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-FOURTH SESSION OF THE COMMISSION

Draft report of the Commission

Rapporteur: Mr. Roman Kuzniar

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1998/81. Enhancement of international cooperation in the field of human rights

The Commission on Human Rights,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, for enhancing genuine cooperation among States in the field of human rights,

Recalling General Assembly resolution 52/134 of 12 December 1997,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purpose of the United Nations, including the effective promotion and protection of all human rights,

Reaffirming the importance of ensuring the universality, objectivity and non-selectivity of consideration of human rights issues, and underlining the importance of mutual understanding, dialogue and genuine cooperation on human rights issues,

Taking note of the adoption of resolution 1997/38 of 28 August 1997 entitled "Promotion of dialogue on human rights issues" by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-ninth session,

1. Calls upon States, intergovernmental organizations and specialized agencies to continue to carry out constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

2. Invites States and all relevant United Nations human rights mechanisms and procedures to pay continued attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of human rights;

3. Decides to continue the consideration of this question at its fifty-fifth session.

60th meeting
24 April 1998
[Adopted without a vote. See chap. IX.]

1998/82. Situation of human rights in Burundi

The Commission on Human Rights,

Mindful of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming its commitment to respect for the principles of the rule of law, which involve democracy, national unity, pluralism and respect for human rights and fundamental freedoms,

Stressing that all States have the duty to promote and protect human rights and to fulfil their obligations under the various instruments to which they are parties,

Considering Security Council resolution 1072 (1996) of 30 August 1996,

Recalling its resolution 1997/77 of 18 April 1997,

Noting with concern that violations of human rights and fundamental freedoms have taken place in several parts of the country,

Recalling that the primary responsibility for peace lies with the Government and people of Burundi,

Acknowledging the efforts made by the United Nations, the Organization of African Unity and the European Union aimed at contributing to a peaceful settlement of the Burundian crisis,

Acclaiming the decision of the Government of Burundi to launch a comprehensive peace process whose main objective is the initiation of nationwide political negotiations open to all parties,

Welcoming the decision of the Government of Burundi to commit itself to the Arusha process whose main objective is the resumption of negotiations open to all the parties concerned,

Considering that effective action to prevent further violations of human rights and fundamental freedoms is indispensable in promoting the stabilization and reconstruction of Burundi and the lasting restoration of the rule of law,

Recognizing the important role of women in the reconciliation process and search for peace, and urging the Government of Burundi to ensure the equal participation of women in Burundian society and to improve their living conditions,

Taking into account the regional summits, including those held in Arusha, Nairobi and Brazzaville, on the situation in the Great Lakes region, and in Burundi in particular,

Considering the decisions, conclusions and recommendations adopted in Tripoli by the Council of Ministers of the Organization of African Unity,

1. Takes note of the third report of the Special Rapporteur on the situation of human rights in Burundi (E/CN.4/1998/72) and of his report to the General Assembly (A/52/505);

2. Also takes note of the efforts exerted by the Government of Burundi to improve security and public order in the country, but expresses its concern at actions which sometimes lead to human rights violations;

3. Encourages the countries which imposed sanctions on Burundi to continue to evaluate the effects of the sanctions on the situation in Burundi;

4. Takes note of the process of closing down of the regroupment camps and exhorts the Government of Burundi to close down all the remaining regroupment camps in order to allow the return of displaced persons to their villages, as and when the situation permits;

5. Encourages the Government of Burundi to continue its actions aimed at associating all sectors of Burundian society in the work of national reconciliation and at the restoration of a constitutional order so as to bring back democracy and peace in the interest of the Burundian population;

6. Encourages the dialogue initiated between the Government of Burundi and the National Assembly to decide upon a mutually agreed transitional period, and also dialogue between Burundians, including the armed factions, with a view to putting in place new, democratically elected institutions;

7. Urges all parties to the conflict to end the cycle of violence and killing, notably the indiscriminate violence against the civilian population;

8. Expresses its concern at the forcible recruitment and kidnapping of children by non-governmental armed groups, and invites the Government of Burundi to take measures to combat that trend having in mind the non-militarization of Burundian society, particularly the children;

9. Exhorts the parties to facilitate humanitarian assistance operations in aid of war victims and to comply scrupulously with international humanitarian law;

10. Notes that the Government of Burundi has not yet published the findings of the inquiries conducted into the murder of three staff members of the International Committee of the Red Cross which took place on 4 June 1996, and again exhorts the Government to publish the findings of those inquiries;

11. Takes note of the efforts of the Government of Burundi aimed at ensuring that established legal safeguards for human rights and international human rights standards are fully respected, and calls upon the Government to continue its efforts to that end;

12. Notes with concern the conditions of detention, in particular of persons liable to the death penalty, and encourages the Government to take more measures to rectify the situation;

13. Invites the Government of Burundi to take more measures, including in the judicial sphere, to put an end to impunity, in particular by bringing to trial those responsible for violations of human rights and of international humanitarian law, in accordance with relevant international principles, and urges the Government to accelerate the specific procedures for inquiries in case of violation of those rights;

14. Expresses its deep concern at the serious violations of human rights and international humanitarian law, in particular with regard to information reporting massacres, enforced or involuntary disappearances, and arbitrary arrests and detention, while taking note of the encouraging signs in the struggle against impunity and for the promotion of human rights on the part of the Government of Burundi;

15. Expresses its concern at the utilization, by the authorities, of civilians for military tasks such as participation in night patrols, mine-clearance campaigns or transport of military equipment, thereby putting the civilian population in danger;

16. Welcomes the efforts of the Government of Burundi to ensure the safety of staff of the United Nations and humanitarian organizations and that of individuals in Burundi serving in the same cause;

17. Commends the human rights observer mission in Burundi for the activities it is conducting in the field, welcomes the cooperation afforded to it by the Government of Burundi, and calls for the strengthening of that observer mission through voluntary contributions;

18. Supports the efforts of the mediators of the United Nations, the Organization of African Unity and the European Union in the search for a lasting solution to the problems of Burundi;

19. Calls upon all parties to the conflict in Burundi to work constructively with the international mediators in the search for a lasting peace;

20. Encourages the Organization of African Unity in its efforts, particularly through its Mechanism for Conflict Prevention, Management and Resolution, to remain engaged in preventing the further deterioration of the situation;

21. Expresses its concern at the large number of incidents as a result of which persons are injured or killed by the explosion of anti-personnel landmines and calls upon the Government of Burundi to take urgent measures, if necessary with the assistance of the international community, to prepare a programme of mine clearance and a public awareness campaign concerning mines;

22. Calls upon the international community to continue to provide humanitarian assistance needed by displaced persons and returnees in Burundi, so that the peace process initiated in the country may become a tangible sign of reconciliation;

23. Condemns the illegal sale and distribution of weapons and related materials which disturb peace and security in the region;

24. Requests States not to allow their territories to be used as bases for incursions or attacks against another State, in violation of the principles of international law, including the Charter of the United Nations;

25. Supports the implementation by the United Nations High Commissioner for Human Rights of a programme of assistance designed for members of the armed forces and the police in the field of human rights and legal assistance;

26. Decides to extend the mandate of the Special Rapporteur for one year, requests him to submit an interim report on the situation of human rights in Burundi to the General Assembly at its fifty-third session and a report to the Commission at its fifty-fifth session, and requests him to give his work a gender-specific dimension;

27. Recommends the following decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/82 of 24 April 1998, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Burundi for one year, requests him to submit an interim report to the General Assembly at its fifty-third session and a report to the Commission at its fifty-fifth session, and requests him to give his work a gender-specific dimension."

60th meeting
24 April 1998
[Adopted without a vote. See chap. X.]

1998/83. Question of resources for the Office of the High Commissioner for Human Rights and the human rights activities of the United Nations

The Commission on Human Rights,

Recalling the relevant conclusions and recommendations of the World Conference on Human Rights,

Having considered the information brought to its attention by the United Nations High Commissioner for Human Rights on developments, and measures taken since the World Conference relating to mandates and responsibilities of the High Commissioner and to the level of resources available to permit fulfilment thereof,

Considering the measures taken by the Commission at its current session concerning the establishment or expansion of mandates of the Office of the High Commissioner for Human Rights, inter alia in recognition of the need for increased attention to economic, social and cultural rights, the right to development and related matters,

1. Expresses its concern that, with the resources currently available from the United Nations regular budget, the High Commissioner will not be in a position to fulfil the full range of established and new mandates;

2. Appeals therefore to the Secretary-General, to the Economic and Social Council and to the General Assembly to take all necessary steps, without delay, to secure for the Office of the High Commissioner for

Human Rights and for other relevant components of the Organization regular budget resources for the current and future bienniums that will be sufficient to permit the effective fulfilment of the responsibilities and mandates established by Member States and commensurate with the importance assigned by the Charter of the United Nations to the promotion and protection of human rights.

60th meeting
24 April 1998
[Adopted without a vote. See chap. III.]

1998/84. Restructuring of the agenda of the Commission on Human Rights

The Commission on Human Rights,

Having considered the proposal for the restructuring of the agenda proposed by the Chairman of its fifty-fourth session (E/CN.4/1998/L.106),

Decides to adopt the proposal, as contained in the annex to the present resolution.

60th meeting
24 April 1998
[Adopted without a vote. See chap. III.]

ANNEX

Restructured agenda of the Commission on Human Rights

| Item | Title |
|---|---|
| 1. | Elections of officers. |
| 2. | Adoption of agenda. |
| 3. | Organization of work. |
| 4. | Report of the High Commissioner for Human Rights and follow-up to the World Conference on Human Rights. |
| 5. | The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation. |
| 6. | Racism, racial discrimination, xenophobia and all forms of discrimination. |
| 7. | The right to development. |

| Item | Title |
|---|---|
| 8. | Question of the violation of human rights in the occupied Arab territories, including Palestine. |
| 9. | Question of the violation of human rights and fundamental freedoms in any part of the world including: |
| | (a) Question of human rights in Cyprus; |
| | (b) 1503 procedure. |
| 10. | Economic, social and cultural rights. |
| 11. | Civil and political rights, including questions of: |
| | (a) Torture and detention; |
| | (b) Disappearances and summary executions; |
| | (c) Freedom of expression; |
| | (d) Independence of the judiciary, administration of justice, impunity; |
| | (e) Religious intolerance; |
| | (f) States of emergency; |
| | (g) Conscientious objection to military service. |
| 12. | Integration of the human rights of women and a gender perspective: |
| | (a) Violence against women. |
| 13. | Rights of the child. |
| 14. | Specific groups and individuals: |
| | (a) Migrant workers; |
| | (b) Minorities; |
| | (c) Mass exoduses and displaced persons; |
| | (d) Other vulnerable groups and individuals. |
| 15. | Indigenous issues. |
| 16. | Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities: |
| | (a) Report and draft decisions; |
| | (b) Election of members. |
| 17. | Promotion and protection of human rights: |
| | (a) Status of the International Covenants; |
| | (b) Human rights defenders; |
| | (c) Information and education; |
| | (d) Science and environment. |

| Item | Title |
|---|---|
| 18. | Effective functioning of human rights mechanisms: |
| | (a) Treaty bodies; |
| | (b) National institutions and regional arrangements; |
| | (c) Adaptation and strengthening of the United Nations machinery for human rights. |
| 19. | Advisory services and technical cooperation in the field of human rights. |
| 20. | Rationalization of the work of the Commission. |
| 21. | Agenda, report. |

## B. Decisions

### 1998/112. Enhancing the effectiveness of the mechanisms of the Commission on Human Rights

At its 60th meeting, on 24 April 1998, the Commission on Human Rights, with a view to enhancing the effectiveness of the mechanisms of the Commission on Human Rights, acceded, without a vote, to appoint the Bureau to undertake a review of the mechanisms of the Commission with a view to making recommendations to the Commission at its fifty-fifth session.

[See chap. III.]

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